

# EXHIBIT C

**Brenner, Wendy**

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**From:** Brenner, Wendy  
**Sent:** Tuesday, June 08, 2010 12:21 PM  
**To:** 'dfg@browngold.com'  
**Cc:** Tenhoff, Gregory  
**Subject:** RE: proposed Order  
**Attachments:** HN-#859740-vrtf-Draft\_Order\_Language\_(2nd\_PI).DOC; HN-#859740-v2-Draft\_Order\_Language\_(2nd\_PI).DOC

Hi Dan –

Attached is a draft order for your review. As my starting place, I used the text for the last order that we jointly submitted to Judge Breyer following the first motion for preliminary injunction. I thought that would be the best starting place since it worked for everyone last time. The redline that is attached shows the changes I have made to that last draft.

Please give this a look over and call me when you get a chance.

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1. ~~NCBE shall~~With respect to the August 2010 administration of the MPRE, NCBE shall provide ACT with the MPRE, in 14-point Arial font, loaded onto a laptop computer equipped with JAWS and ZoomText software. NCBE shall also direct ACT to provide Ms. Enyart with the following accommodations on the March~~March~~August 2010 administration of the MPRE:

- (a) Double the standard time
- (b) A private room
- (c) One five minute break every hour
- (d) A scribe to fill in the answers and

~~(e) The exam loaded onto a~~NCBE shall deliver the laptop computer equipped with JAWS and ZoomText software~~Within two business days of this Order, NCBE shall to ACT no less than two (2) days prior to the administration of the examination, and request ACT to provide Ms. Enyart with sufficient time access to the laptop twenty-four (24) hours before the commencement of the test examination to attach the her peripherals and customize the JAWS and ZoomText settings and NCBE shall advise the plaintiff of ACT's response or any lack thereof within five business days thereafter. ACT shall be responsible for custody of, and access to, the laptop once it is delivered to ACT.~~

Additionally, NCBE shall direct ACT to permit Ms. Enyart to use all of the following during the examination as accommodations, all of which shall be brought to the examination by Ms. Enyart:

- ~~(f)~~(e) An ergonomic keyboard
- ~~(g)~~(f) A trackball mouse
- ~~(h)~~(g) A large monitor
- ~~(i)~~(h) Her own lamp to control lighting conditions
- ~~(j)~~(i) Sunglasses
- ~~(k)~~(j) A yoga mat
- ~~(l)~~(k) Large print digital clock
- ~~(m)~~(l) Migraine medication

The ergonomic keyboard, trackball mouse, and monitor shall be devoid of any storage devices or storage mechanisms and NCBE does not guarantee the interoperability of such devices with the computer it provides. The examination shall be administered by ACT with the above accommodations pursuant to the Stipulation Re: Voluntary Dismissal Without Prejudice of Defendant ACT, Inc. filed with the Court on November 25, 2009.

2. With respect to the ~~February~~July 2010 administration of the California Bar exam, NCBE shall provide the State Bar of California, Committee of Bar Examiners (the "State Bar") with the

MBE, in 14-point Arial font, loaded onto a laptop computer equipped with JAWS and ZoomText software, furnished by NCBE. NCBE shall deliver the laptop computer to the State Bar no less than two (2) days prior to the administration of the examination. The State Bar shall be responsible for custody of, and access to, the laptop once it is delivered to the State Bar. Decisions with respect to the administration of the examination shall rest with the State Bar of California, Committee of Bar Examiners. However, in the Stipulation Regarding Dismissal Without Prejudice of Defendant State Bar of California and Order Thereon in this Action, the State Bar of California agreed to furnish the accommodations requested by Ms. Enyart on the MBE portion of the February 2010 California bar examination if the Court in this action determined that such accommodations were required.

Document comparison by Workshare Professional on Tuesday, June 08, 2010 12:16:37 PM

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Document 2 ID	PowerDocs://HN/859740/2
Description	HN-#859740-v2-Draft_Order_Language_(2nd_PI)
Rendering set	Cooley

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Format changed	0
Total changes	49

1. With respect to the August 2010 administration of the MPRE, NCBE shall provide ACT with the MPRE, in 14-point Arial font, loaded onto a laptop computer equipped with JAWS and ZoomText software. NCBE shall also direct ACT to provide Ms. Enyart with the following accommodations on the August 2010 administration of the MPRE:

- (a) Double the standard time
- (b) A private room
- (c) One five minute break every hour
- (d) A scribe to fill in the answers

NCBE shall deliver the laptop computer to ACT no less than two (2) days prior to the administration of the examination, and request ACT to provide Ms. Enyart with access to the laptop twenty-four (24) hours before the examination to attach her peripherals and customize the JAWS and ZoomText settings. ACT shall be responsible for custody of, and access to, the laptop once it is delivered to ACT.

Additionally, NCBE shall direct ACT to permit Ms. Enyart to use all of the following during the examination as accommodations, all of which shall be brought to the examination by Ms. Enyart:

- (e) An ergonomic keyboard
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- (k) Large print digital clock
- (l) Migraine medication

The ergonomic keyboard, trackball mouse, and monitor shall be devoid of any storage devices or storage mechanisms and NCBE does not guarantee the interoperability of such devices with the computer it provides. The examination shall be administered by ACT with the above accommodations pursuant to the Stipulation Re: Voluntary Dismissal Without Prejudice of Defendant ACT, Inc. filed with the Court on November 25, 2009.

2. With respect to the July 2010 administration of the California Bar exam, NCBE shall provide the State Bar of California, Committee of Bar Examiners (the "State Bar") with the MBE, in 14-point Arial font, loaded onto a laptop computer equipped with JAWS and ZoomText software furnished by NCBE. NCBE shall deliver the laptop computer to the State Bar no less than two (2) days prior to the administration of the examination. The State Bar shall be

responsible for custody of, and access to, the laptop once it is delivered to the State Bar.  
Decisions with respect to the administration of the examination shall rest with the State Bar.